IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :27811 of 2005

DATED:12.06.2007.

Between:
M.Venkateswarlu

.....PETITIONER

AND

The Govt. of A.P rep by its Secretary, I & CAD Department, Secretariat, Hyderabad & others

.....RESPONDENTS

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:27811 OF 2005

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitioner seeking to call for the records pertaining to the order dated 21.10.2005 passed in O.A.No:335 pf 1998, 8443 of 2000 and 1258 of 2003 by the A.P. Administrative Tribunal and set aside the same as unjust and direct the official respondents to continue the petitioner as Superintendent with all consequential benefits.

Originally, the petitioner is the applicant in O.A.1258 of 2003, 9th respondent is the applicant in O.A.No:335 of 1998 and 8th respondent is the applicant in O.A.No:8443 of 2000. The relief which is inter related and sought for in all the O.As., is one and the same claiming seniority against each other. The tribunal having observed that the conduct of the applicant in filing numerous cases led to the unfortunate situation and having suppressed all the facts, he filed W.P.7804 of 1989 and W.P.M.P.10136 of 1989 and that in the light of the opinion of the tribunal in O.As.2431 to 2433 of 1990 that the applicant has got undue advantage, for which he was not entitled to as per law and therefore, the respondents are entitled to correct the mistake

instead of perpetrating the mistake, upheld the proceedings ES/EC.III/S1/37/2002-03, dated 20.2.2003 impugned in O.A.1258 of 2003. Having aggrieved by the same, the present writ petition is filed by the applicant.

Heard the learned counsel and perused the entire material available on record as well as the order impugned.

It is the case of the applicant that he was appointed as L.D.C. on 9.6.1976 in Pochampadu investigation Circle. His services were terminated on 30.11.1976 on the ground that he was not selected by the District Selection Committee, Warangal. He was re appointed on 16.5.1977 by the Superintendending Engineer, Pochampadu Investigation Circle, Warangal. His services were regularized with effect from 16.5.1977. He was transferred from Pochampadu Investigation Circle, Warangal to Ichampally Project Investigation Circle, Warangal on administrative grounds vide orders dated 16.2.1984. He was on notional promotion in the category of Senior Assistant with effect from 16.3.1981 vide proceedings dated 30.10.1989. Later he was promoted notionally as Superintendent with effect from 1.5.1993 with all consequential benefits vide proceedings dated 17.1.1998. He also filed R.P.1630 of 1988 before the tribunal seeking a direction to the respondents to regularize his services in the category of Junior Assistant with effect from 9.6.1976 and the same was allowed on 30.12.1988 directing the respondents to regularize the services of the applicant from the date of his first appointment and the break in service shall be treated as having been condoned with all consequential benefits. The Government through G.O.Rt.No:799, I & CAD (Ser. III) Department, dated 13.7.1989

accorded sanction for creation of supernumerary posts of Junior Assistants in the Pochampadu Investigation Circle, Warangal with usual pay.

Thus, it is an admitted fact that the applicant has joined duty as L.D.C on 9.6.1976 and worked up to 30.11.1976 i.e., for 5 months and 21 days. His services stood terminated with effect from 30.11.1976 on the ground that he was not selected of District Selection Committee, Warangal. Again, he requested the Superintending Engineer, Pochampadu Investigation Circle for re appointment and the same was conceded to by the respondents in accordance with the provisions of G.O.Ms.No:647, GAD, dated 14.9.1979 where under it provides the service of temporary employees, who were continuing in service as on 9.8.1979, to be regularized. While so, the applicant sought for transfer to Ichampally Project Investigation Circle, Warangal. He came to be transferred vide proceedings dated 16.2.1984, as a result of which he joined duty on 5.6.1984 by foregoing his lien and seniority in Ichampally Investigation Circle as evident from the orders dated 16.2.1984 and 29.5.1984.

In this background of the matter, the conduct of the applicant in filing numerous cases by suppressing all these facts, leads to create an unfortunate situation as to the promotions as rightly observed by the tribunal. Therefore, We have no hesitation to hold that the tribunal is justified in rejecting the claim of the applicant. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

Date:12th June, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:27811 of 2005

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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12th June, 2007.